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January 23, 2006

FAXED
1-23-06

United States Patent and Trademark Office
Christopher Low
SPE
Art Unit 1600

SENT VIA FAX: (571) 273-8300
(4 pages)

Re: Reexamination Control No.: 90/007,215

Dear Mr. Low:

I have a complaint against Examiner Spivack and her handling of the reexamination.

First, attached is the request for the interview for July 18, 2005 which was discussed with Mr. Dixon that Examiner Spivack denied was ever made. Ms. Spivack cancelled the interview because Mr. Dixon was not available. A new date was to be made and Ms. Spivack was irritated that I had called twice to obtain a date. In lieu of calling to set a new date, a final rejection issued.

At the interview you attended, Ms. Spivack stated that an interview to discuss bacteria and infection was not necessary because she was a nurse. It was noted that there have been many years of research relating to bacteria and disease.

Ms. Spivack filed an early response after the interview which did not take into account the patent owner's response and the amendment to the claims. Also, claim 8 which was previously allowed was now declared not allowable.

I telephoned Ms. Spivack regarding a further response as we had discussed. Ms. Spivack stated she returned my call at 6:00pm and that was satisfactory since it was within her work hours. I don't believe this has been the policy of the patent office since I have been practicing.

Although the patent owner's response was filed in mid December, Ms. Spivack is preparing her response on January 23, 2006 which is three days before the appeal is due.

The patent owner has obtained a jury verdict on January 4, 2006 with punitive damage because of unfair practices and theft of trade secrets.


An issue not brought up in the court are the burglaries into my home and office.

Because of the unusual tactics used by Arriva, I am suspect as to Ms. Spivack's activities. I wish to see a record of all interviews she held in 2005.

An extension of time is requested to file the Notice of Appeal to determine how Ms. Spivack is dealing with the present issues raised at the interview.

Kindly telephone to discuss this situation.

Very truly yours,


John Lezdey

JL:jg